



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

OCT 20 2005

John Gross
Treasurer
Friends of Giuliani Exploratory Committee
575 Eighth Avenue
24th Floor
New York, NY 10018

Re: MUR 5628

Dear Mr. Gross:

The Federal Election Commission recently entered into a conciliation agreement with AMEC Construction Management, Inc. ("ACMI"), which resolved a matter that ACMI brought to the attention of the Commission in October 2003, regarding improper federal political contributions. *See* Attachment. Friends of Giuliani Exploratory Committee (the "Committee") received certain contributions that ACMI reimbursed. These include contributions from the following individuals on the following approximate dates: (1) John Cavanagh (\$1,000 on May 26, 1999, and \$1,000 on June 30, 1999); and (2) Norman Fornella (\$1,000 on May 20, 1999, and \$1,000 on July 16, 1999).

The Committee and you, in your official capacity as treasurer, were not respondents in this matter. The Commission reminds you, however, that the treasurer of a political committee is responsible for examining all contributions received by the political committee for evidence of illegality. 11 C.F.R. § 103.3(b). Contributions that present genuine questions as to whether they were made by legal sources may be deposited into a campaign depository or returned to the contributor. If any such contribution is deposited, the treasurer shall make his or her best efforts to determine the legality of the contribution. 11 C.F.R. § 103.3(b)(1). If the treasurer determines that at the time a contribution was received and deposited, it did not appear to be illegal, but later discovers that it is illegal based on new evidence not available to the political committee at the time of receipt and deposit, the treasurer shall refund or disgorge the contribution within 30 days of the date on which the illegality was discovered. 11 C.F.R. § 103.3(b)(2); *see* Advisory Opinion 1996-5.

Under the terms of the attached Conciliation Agreement, ACMI has waived its right to refunds of these contributions. *See* Attachment at Paragraph IX. Accordingly, the \$4000 in contributions should be disgorged from the Committee to the U.S. Treasury. A check, made payable to the U.S. Treasury, should reference MUR 5628 and be sent to the following address:

25044123039

Federal Election Commission
Office of General Counsel
Attn: Mark A. Goodin
999 E Street, N.W.
Washington, D.C. 20463

If you have any questions, please contact me at (202) 694-1650.

Sincerely,



Mark A. Goodin
Attorney

Attachment
Conciliation Agreement

cc (w/o attachment): James E. Anklam, Esq.
Counsel to AMEC Construction Management, Inc.

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